

ORDINANCE 1517

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO CHAPTER 18.06.030 DEFINITIONS, 18.10.030 PERMITTED AND CONDITIONAL USES, 18.40.040 BULK AND DIMENSIONAL STANDARDS AND 18.10.050 PERFORMANCE STANDARDS OF THE NORTH BEND MUNICIPAL CODE RELATING TO COTTAGE RESIDENTIAL ZONING

WHEREAS, the North Bend Municipal Code, Comprehensive Plan, and Zoning Map provide for a Cottage Residential (“CR”) zoning district; and

WHEREAS, approval of a planned neighborhood district (“PND”) under NBMC 18.12 is now required for any development in the CR district; and

WHEREAS, the purpose of a PND is to encourage a greater variety of mixed housing types, sizes, and prices, including innovative and/or affordable housing, with flexible bulk and dimensional standards, and which are designed to be compatible with neighboring properties; and

WHEREAS, as currently adopted, NBMC 18.12 PND is unclear regarding the mix of housing types permitted within the CR District; and

WHEREAS, in 2013 the City found NBMC Chapter 18.10.030 Permitted and Conditional Uses, 18.40.040 Bulk and Dimensional Standards, and 18.10.050 Performance Standards were unclear and could be read to permit standard sized single family residential housing units within the Cottage Residential district contrary to the intent of the City Council; and

WHEREAS, the intent of the City Council in adopting the Cottage Residential district was to encourage innovative housing types of predominantly single-family detached housing, but in size and scale smaller than standard sized single family residential units (i.e., “cottage” housing), including a certain percentage of attached housing on smaller lots with densities from six to ten dwelling units per gross acre, in order to create greater choices for homebuyers of varying economic means in North Bend; and

WHEREAS, in adopting the Cottage Residential district, the City Council did not intend to allow development of solely standard sized single family homes in the Cottage Residential District; and

WHEREAS, the City Council found it necessary to clarify its intent in adopting the Cottage Residential zoning district through the adoption of Ordinance 1481 establishing interim zoning controls and allowing sufficient time for the Planning Commission to provide a recommendation and Council Committee time to review the Planning Commission Recommendation; and

WHEREAS, the Planning Commission addressed the proposed amendments to the NBMC as presented in Ordinance 1481 regarding Cottage Residential on March 14, 2013 and held a public hearing March 28, 2013; and

WHEREAS, on March 28, 2013 the Planning Commission provided a recommendation to the City Council that mirrored the amendments as established in Ordinance 1481, therefore clarifying that it was not the City Council's intent to allow developments of solely standard sized single family homes within the Cottage Residential District; and

WHEREAS, shortly thereafter the CED Council Committee considered the Planning Commission Recommendation at five different CED Committee meetings between April 2013 and January 28, 2014; and

WHEREAS, in addition to consideration of the Planning Commission's recommendation, the Council Committee heard from property owners and potential investors during the CED Committee meetings and after extensive consideration the CED Council Committee provided a recommendation to the City Council on January 28, 2014 on this issue;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council adopts amendments to (a) NBMC Chapter 18.06.030 Definitions, attached as Exhibit A; (b) NBMC Chapter 18.10.030 Permitted and Conditional Uses, attached as Exhibit B; (c) NBMC Chapter 18.40.040 Bulk and Dimensional Standards, attached as Exhibit C and (d) NBMC 18.10.050 Performance Standards, attached as Exhibit D.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF
MARCH, 2014.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: March 12, 2014
Effective: March 17, 2014

Susie Oppedal, City Clerk